

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

LEAGUE OF CONSERVATION VOTERS *et al.*, )  
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  )  
*Plaintiffs,*  )  
  )  
  )  
  v.  ) No. 3:17-cv-00101-SLG  
  )  
  )  
DONALD J. TRUMP *et al.*,                                )  
  )  
*Defendants,*  )  
  )  
AMERICAN PETROLEUM INSTITUTE and STATE                        )  
OF ALASKA,  )  
  )  
*Intervenor-Defendants.*  )  
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**DECLARATION OF JOHN HOCEVAR**

I, John Hocevar, hereby declare as follows:

1. I currently live in Washington, DC. I am the Oceans Campaign Director and a member of Greenpeace USA, where I have worked for over fourteen years. I am also a member of the Center for Biological Diversity. I rely on Greenpeace and Center for Biological Diversity to represent my interests in protection of the Arctic Ocean ecosystems.

2. I have a Masters degree in marine biology. I have worked with Greenpeace for more than fourteen years. I head our oceans work in the United States, and coordinate with our offices around the world. I oversee our campaigns to protect our nation's marine ecosystems. In my capacity at Greenpeace, I am familiar with Greenpeace's mission, operations, and organizational interests as they pertain to the protection of the Arctic Ocean ecosystem. Through my work at Greenpeace and other organizations, I have worked on environmental issues relating to oil and gas development for many years. In 2010, I organized a three month long research expedition, in collaboration with scientists from over a dozen institutions, to independently assess the scope and impacts of the BP Deepwater Horizon blowout on the Gulf of Mexico ecosystem.

3. Greenpeace is a registered Internal Revenue Service 501(c)(4) non-profit entity organized under the laws of the State of California, with its headquarters located in Washington DC. It has regional offices and employees located across the United States. Greenpeace has worked in Alaska since the early nineteen seventies. Staff in Alaska have historically campaigned on fisheries, oil and climate issues, including the impact of oil drilling and global warming on ice dependent species such as polar bears.

4. Greenpeace has over 840,000 active supporters in the USA, including numerous members that live in and visit Alaska. Greenpeace members rely on Greenpeace to represent

their interests in protection of the environment, including the lands and waters of Alaska and nationwide. Greenpeace communicates with our members through quarterly newsletters, regular e-mail messages, and social media. We also educate our members and the public at large through our website, face-to-face conversations while canvassing, and the media coverage highlighting our campaigning efforts.

5. Greenpeace uses peaceful protest and creative communication to expose global environmental problems and to promote solutions that are essential to a green and peaceful future. With over 26 independent offices located throughout the world, Greenpeace works to protect our oceans and ancient forests, and to end toxic pollution, global warming, nuclear threats, and genetic engineering. Since 1971, Greenpeace has been the leading voice of the environmental movement by taking a stand against powerful political and corporate interests whose policies put the planet at risk. Greenpeace furthers its mission through research, advocacy, public education, and litigation with a staff that includes scientists, lawyers, campaigners, policy experts, and communications specialists.

6. Greenpeace has a long and continuous history working on energy and climate issues in the United States and abroad, with a particular focus on the Arctic and the wildlife that live there, including polar bears. In the 1990s, Greenpeace campaigned to halt oil exploration and drilling in the Beaufort and Chukchi seas in off the north coast of Alaska in an effort to protect polar bears and other ice dependent species not only from the direct impacts of oil exploration, extraction and transportation, but also from the impacts of global warming that would be exacerbated when that oil is burned.

7. Greenpeace sent its icebreaker, *Arctic Sunrise*, to the Alaska Arctic every summer from 1997 through 2000 to oppose offshore oil drilling in the Arctic Ocean as well as document

the impacts of global warming on polar bears, Pacific walrus and other ice dependent species. In 2005 and 2006, two Greenpeace volunteers attempted the first ever summer expedition to the North Pole to highlight the impact of global warming on polar bears.

8. Greenpeace has actively participated in the public processes by submitting substantive comments, individually and with other organizations, related to oil and gas activities in the Arctic Ocean. In preparation for the 2012 drilling season, Greenpeace voiced its concerns about Shell's exploration drilling activities in the Beaufort and Chukchi seas by sending written comments on Shell's 2012 Beaufort and Chukchi seas exploration plans and associated oil spill plans, the Bureau of Ocean Energy Management's preparation of environmental assessments for Shell's 2012 exploration drilling in the Beaufort and Chukchi seas, Shell's requests for coverage under the Arctic NPDES General Permit, Shell's air permits for its *Discoverer* and *Kulluk* drillships, the Bureau of Ocean Energy Management, Regulation and Enforcement's consideration of Shell's 2010 Beaufort Sea seismic survey, and Shell's incidental harassment authorization for Shell's 2010 seismic surveys for the Beaufort and Chukchi seas. In preparation for the 2015 drilling season, Greenpeace voiced its concerns about Shell's Chukchi Sea drilling activities in comments on Shell's application for Incidental Harassment permits and Shell's Exploration Plan and associated Environmental Assessment. We also commented on the Draft Second Supplemental EIS for Lease Sale 193, the Final EIS for Lease Sale 193, and BSEE's proposed Arctic drilling regulations, raising concerns about the dangers of Arctic Ocean drilling. We also commented on Hilcorp's draft development and production plan and the supporting draft EIS, and its application to construct a gravel island, pipeline, and other infrastructure in the Beaufort Sea for the proposed Liberty Island project. In 2017 and 2018, we submitted comments on the draft Proposed Program and scoping for the 2019-2024 Oil and Gas Five Year Plan, and

in 2016 we submitted comments regarding the Proposed Program and EIS for the 2017-2022 Oil and Gas Five-Year Plan. Also in May 2016 we co-organized a 1000+ person march in DC with local community members to call for permanently protecting the Arctic, Atlantic, and Gulf from offshore drilling, and we organized our members to call the White House to urge President Obama to permanently protect the Arctic, Atlantic, and Gulf. In December 2016 we signed onto a letter and created social media content celebrating and thanking the Obama administration for their announcement to withdraw the Chukchi and Beaufort Seas, and part of the Atlantic Ocean, from future oil and gas leases. In 2017, we joined a coalition press statement to oppose the Trump Administration's attempt to reverse the withdrawals, and in 2018 we collected and submitted comments from Greenpeace members opposing the 2019-2024 5 Year Plan, which proposes opening areas that are withdrawn. In addition, Greenpeace has submitted comments on the Beaufort Sea multi-sale EIS for Lease Sales 186, 195, and 202; the 2012-2017 oil and gas five-year leasing program, and proposed seismic surveys in 2012. Greenpeace also commented on U.S. Fish and Wildlife Service's (FWS) 2011 Beaufort Sea proposed incidental take rule for polar bears and Pacific walruses, and informed our members in 2010 about the opportunity to advocate to FWS to list the Pacific walrus under the Endangered Species Act. After the revelation by the DOI Inspector General of irregularities with the Lease Sale 193 EIS, we submitted a complaint to DOI under the agency's Scientific Integrity process. We also submitted a briefing to UNESCO regarding threats to the Wrangel Island World Heritage Site from Arctic drilling. In March 2018, we signed onto coalition comments opposing the 2019 Beaufort Sea Lease Sale and we plan to gather comments from Greenpeace members opposing the lease sale to submit to BOEM.

9. We have also been engaged on the issue of drilling off the Atlantic Coast. Many of the above mentioned activities also pertained to the need for permanent protections for the Atlantic, including organizing marches, posting social media, and asking supporters to submit comments to BOEM opposing Atlantic drilling. In the fall of 2017, our ship the *Arctic Sunrise*, visited the Atlantic Coast of the United States. At stops in Norfolk, Virginia and Wilmington, North Carolina we hosted a number of events on the ship to educate and engage supporters and allies around the issue of Atlantic drilling and seismic testing.

10. Greenpeace is concerned about the effects of activities related to oil and gas leasing, exploration, and development on the living resources of the Arctic Ocean. Greenpeace has members who reside near, visit, or otherwise use and enjoy the Beaufort and Chukchi seas and the surrounding areas for subsistence, recreation, solitude, artistic endeavors, and other purposes. Greenpeace, together with the support of its members, has worked to protect the Arctic Ocean environment for more than four decades. We have deeply held beliefs that wilderness areas and the wildlife that those areas support are extremely valuable, even priceless. Oil and gas drilling and production activities are inconsistent with Greenpeace and its members' interests in the region, and Greenpeace is concerned that President Trump's decision to revoke protections for the Arctic Ocean could trigger increased oil and gas activities in the region.

11. Oil and gas leasing, exploration, and development activities threaten the Arctic region. Oil and gas activities could lead to the construction of significantly more infrastructure and the general industrialization of the region, and could introduce the greater risk of catastrophic and chronic oil spills, air and water pollution, release of greenhouse gases that harm the global climate, and other likely impacts. The commencement of new seismic testing activities in the Arctic could cause significant harm to wildlife populations in the area. Industrial noise

from seismic surveying as well as from drilling, ice breaking, and vessel and aircraft traffic could disturb, displace, and even kill marine life, including Pacific walruses. Oil and gas exploration activities could risk the region with an oil spill, which could despoil the landscape and wildlife habitat, could result in the offshore displacement and possible population-level harm to Arctic wildlife, and could significantly harm the already ailing polar bear population in the Arctic. Should an oil spill occur in the Arctic, which is arguably the wildest place in the U.S., it would cause emotional trauma for many of our members, and the research operations that Greenpeace has conducted and supported in Arctic and sub-Arctic waters may no longer be possible. Similarly, should population level impacts on wildlife occur due to expanded seismic testing or increased industrial presence in the area, it would harm our members and influence our activities. We would need to shift more resources to documenting impacts and holding key actors accountable. All of these potential impacts would cause harm to Greenpeace as an organization, and our members.

12. Given Greenpeace's long history and demonstrated interest in fighting climate change and halting destructive oil production in the Arctic, the Trump Administration's actions will prompt us to move resources from the numerous other issues and topics we work on, and redirect them toward stopping the expansion of Arctic oil drilling once again.

13. In our role as one of the planet's loudest Paul Reveres, Greenpeace is often in the unenviable position of saying "I told you so" to corporations and policy makers who failed to hear the alarms we raised. There is no satisfaction in this, as it usually means that tremendous damage has occurred, which could have been prevented. It is not too late to protect the Arctic from an oil spill which will be impossible to adequately respond to, and which would have lasting, perhaps irrevocable impacts on the cultures and creatures that reside there and there

alone. I do not want to return to an Arctic that has been trashed by greed and reckless decision making, to stand with devastated Inupiat on an oil-covered coast amidst the carcasses of animals we love and say “we told you so.”

14. Since 2006, understanding – and reducing – anthropogenic impacts to Alaska’s marine life has been a priority of my work. I have made numerous trips to the region, including three ship-based research expeditions. This is part of a broader interest in polar ecosystems; I have served as a member of the U.S. delegation to the Commission for the Conservation of Antarctic Marine Living Resources, and am currently planning a research expedition to the Weddell Sea.

15. In 2012, I traveled to the Chukchi Sea aboard the Greenpeace ship *Esperanza*, where I piloted a submarine to conduct research dives to survey the seafloor. The purpose of our expedition was to increase understanding and awareness of the marine habitats that are at risk if oil companies are allowed to drill in the Arctic.

16. I saw firsthand that the seafloor in the midst of the site where Shell drilled in 2015 is carpeted with marine life. We observed enormous numbers of brittle stars, as well as large numbers of basket stars, sea stars, and soft corals. I was surprised to see such abundant soft corals, as few cold water coral experts were aware of their presence in the Arctic. While Shell was aware of the presence of these corals – they were reported in studies funded by Shell and others – there was no mention of corals in the environmental reviews of oil drilling activities in the Chukchi Sea prepared by the Department of the Interior. Our findings were reported in the *Washington Post* and featured on Nightline, among others. The area we surveyed, and the abundant marine life it supports, is just one of many that would be put at risk by President

Trump's attempted revocation of the protections for the Beaufort and Chukchi Seas instated by President Obama.

17. I also collaborated with Kelly Newman, a scientist from the University of Alaska-Fairbanks, who joined us on board the *Esperanza* to record vocalizations of marine mammals. We spent a good deal of time looking for marine mammals from the ship. We had hoped to see walrus, polar bears, bowheads, and narwhales, but instead were thrilled to see seals, humpbacks, fin whales, and belugas. I derived great pleasure from seeing these marine mammals in their Arctic environment.

18. On a personal level, I was unprepared for the spectacular beauty of the sea ice we encountered. There was nothing about seeing the frozen surface of the ocean which seemed compelling to me before I saw it firsthand. The reality is something else entirely: I was awestruck. Few who have had the chance to witness the unique sculptures and unworldly colors of the ice edge will ever forget it.

19. In addition to my 2012 Chukchi Sea trip, I have had the opportunity to travel to the Bering Sea and other Arctic destinations multiple times over the past years. I have been on three ship-based research expeditions in the Bering Sea, in 2007, 2008, and 2012. Marine mammal observation was the focus of the work in 2007, where we worked in collaboration with scientists studying killer whales and humpbacks. We recorded details such as location, behavior, time, and species for all marine mammals encountered. Many of these marine mammals are ones that migrate through the parts of the Beaufort and Chukchi seas where oil and gas drilling activities could occur. I derive great professional, scientific, recreational, aesthetic and spiritual benefit from the existence of these marine mammals. I also derive great benefit from the existence and persistence of their marine environment.

20. In 2008, I was the principal investigator for an expedition using manned submersibles and a Remote Operated Vehicle to explore Zhemchug and Pribilof Canyons, along the Bering Sea shelf break. We discovered a new species of sponge, and documented dozens of species previously unknown to live in the Bering Sea. We took dozens of hours of high definition video and documented marine mammals such as Dahl's porpoises and killer whales. The ship continued on to meet with native communities throughout the Bering Sea, discussing their changing environment and impacts to the species upon which they depend for subsistence. We had extensive conversations about the changing climate and effects on sea ice and associated marine life, including marine mammals and birds that also migrate through the Beaufort and Chukchi seas.

21. In 2012, I led our second expedition to survey the seafloor habitats of the Bering Sea canyons. We discovered the largest skate nursery encountered in the region to date, and documented spectacular sponge gardens on the Zhemchug Ridges. Seeing these areas firsthand was one of the highlights of my marine science career, and has made a lasting impression on me. We published findings from this expedition in the journal Global Ecology and Conservation, in a paper entitled [Submarine Canyons as Coral and Sponge Habitat on the Eastern Bering Sea Slope](#).

22. In addition to research expeditions to the Bering Sea and Arctic Ocean, I also participate in public education and advocacy on behalf of these ecosystems. I have presented findings at several universities and scientific conferences, and published papers in peer reviewed scientific journals. In the course of this work, I have partnered with scientists from the National Oceanic and Atmospheric Administration (NOAA), the University of Alaska-Fairbanks, and a wide range of other institutions. I regularly provide commentary for media articles on offshore drilling and related issues, such as seismic testing or so-called "rigs to reefs" programs.

23. I have also engaged in policy discussions related to offshore drilling, testifying before the National Commission on the Deepwater Horizon Oil Spill and Offshore Drilling, sharing perspectives with the Department of Interior, and conducting hundreds of media interviews. In 2010 I participated in a workshop with native stakeholders and policy makers on marine spatial planning in the Arctic, and I challenged BSEE's predecessor agency, MMS, on their plan to allow drilling in the Chukchi Sea. My efforts on behalf of Greenpeace to protect the Arctic and Bering Sea ecosystems will remain an area of focus for the foreseeable future.

24. In January 2017, I joined a team of Brazilian scientists in surveying the Amazon Reef, documenting this regional biodiversity hot spot for the first time. As in the Chukchi and Beaufort Seas, policy makers and oil companies are rushing ahead with plans to drill in the area despite having very little knowledge of the habitats that would be put at risk. The handful of scientists with expertise on these marine communities would all agree that we have only scratched the surface in understanding these unique areas. The public, which are the true stewards of our oceans, do not have anywhere close to enough information to be able to adequately assess the risks of allowing drilling.

25. In January-February 2018, I sailed to Antarctica on the Greenpeace ship *Arctic Sunrise*. As a submarine pilot, I worked with Dr. Susanne Lockhart and other independent scientists to survey seafloor areas near the Antarctic Peninsula which are currently being considered for protection. My experience in the Arctic was very useful in understanding Antarctic marine ecosystems in many respects, such as the role of sea ice, seasonality, glaciers, and the compact nature of polar food chains. Similarly, my Antarctic research will provide me with new perspective and insights which I will be able to apply to the Arctic.

26. As the Oceans Campaign Director for Greenpeace USA, I will continue to work on Arctic issues. I hope to return by ship within the next several years, and to have an opportunity to visit one or more of the North Slope communities in the near future, as will people I manage directly and work alongside. I will continue to visit and study the Bering Sea, from which numerous species migrate to and from the Beaufort and Chukchi seas where offshore drilling is once again being considered.

27. Based on my experience assessing the scope and impacts of the BP Horizon blowout, my conversations with indigenous stakeholders in Point Hope and Utqiagvik, my exploration of Chukchi seafloor habitats, and my study of past Arctic drilling plans, I am extremely concerned about the President's attempts to revoke protections from oil and gas activities in the Chukchi and Beaufort Seas, which if allowed to stand could potentially lead to new drilling operations in the Arctic in the years to come.

28. I have had conversations with representatives of the US Coast Guard, who all privately acknowledged that they have no capacity to respond to a spill in the Arctic. I attended a workshop where a senior USCG officer referred to an Arctic spill as the Coast Guard's "nightmare scenario." While there may eventually be a more significant USCG presence in the Arctic, there are no plans to develop the kind of infrastructure which would provide anywhere close to the capacity to respond adequately to a major spill. It is clear to me that the bulk of spill response efforts would be left to oil companies, which have proven to have a somewhat cavalier approach to these risks and lack expertise in responding to oil spills in icy waters. Further, based on the role BP was given in the Deepwater Horizon response, I am very concerned that the public – including researchers – would be denied access to much of the Arctic in the event of a

spill. If there is an oil spill the species and ecosystems of the Arctic will be harmed, and that will harm my interests in seeing, studying and protecting them.

29. My strong opposition to drilling in the Arctic is informed by my experience in the Gulf of Mexico. In the research I coordinated after the *Deepwater Horizon* blew up and began pouring oil into the Gulf, I saw damage to wildlife, habitats and communities that will be felt for decades. Oil and dispersant entered the food chain, either being ingested directly by birds and marine life or after being taken up by plankton. It killed large numbers of endangered sea turtles, and put the Gulf's population of sperm whales at even greater risk of extinction. (We helped a team from the Littoral Acoustic Demonstration Center use acoustic monitoring buoys to record phonations of sperm and beaked whales. Their study confirmed that there were fewer sperm whales at the site closest to the Deepwater Horizon rig than in previous years.) Many of the oiled seabirds I saw will have died by now, but perhaps of greater concern is the impact on their nesting habitat. In our return visit to Louisiana this summer, more than two years after the blowout began, all the vegetation on several important nesting islands had died. As these plants are all that hold these low-lying islands together, they will soon succumb to erosion and sea level rise, putting the surviving birds at even greater risk.

30. I saw what I estimated to be 50,000 dead hermit crabs in an area smaller than a football field, a disturbing indication that the beach itself had become incapable of supporting life. We worked with Rainer Amon and Clifton Nunnally of Texas A&M to look at oil in the water column and sediments. We collected water samples from 300 miles to the west of the spill origin that appear to be part of a subsurface plume. One of the sediment samples taken from a depth of about 1400 meters contained oil that we were able to confirm originated from the

Deepwater Horizon site. Further analysis will be needed to better understand the scope of the plume and the impacts on benthic invertebrates collected in the box core samples.

31. We may never be able to adequately assess the impact of the Deepwater Horizon blowout and other oil spills on ecosystems and communities. However, it is clear that where we have offshore drilling, we have risk of serious accidents that can neither be cleaned up nor quickly recovered from – either ecologically or economically.

32. Spill response can itself cause harm to marine and coastal ecosystems. Chemical dispersants introduce additional toxins into the environment, and break up oil into smaller particles that are more easily taken up by zooplankton. Zooplankton are then eaten by larger organisms, creating a path for dispersants to enter the food chain and contaminate seafood. Dispersants may also cause a greater portion of the oil to sink, which can have lasting impacts on benthic marine life. Based on the widespread and untested use of dispersants that was approved in the Gulf of Mexico in 2010, I am concerned that dispersants may again be used without adequate testing in the event of an Arctic spill.

33. So-called controlled burns were also used as part of the Deepwater Horizon response. In addition to creating highly toxic air pollution, there were reports of marine life – including endangered sea turtles – being burned along with the oil. Soot and other contaminants from “controlled burns” would be very harmful in the Arctic, and I am also concerned about the possibility that Arctic sea birds and possibly even seals could be inadvertently killed by this approach.

34. Oil and gas activities, which would be extremely risky operations, in remote and pristine waters of the Arctic would threaten harm to the fragile Arctic ecosystem, the indigenous communities which depend on it, and all of us who value this wildest of America’s wilderness

areas. The Deepwater Horizon disaster again revealed the limitations of the oil industry and the government's abilities to control a spill, even in relatively manageable conditions of the Gulf of Mexico. In the treacherous Arctic, a blowout in a scenario where a relief well cannot be completed in the same drilling season could lead to oil gushing until at least next spring, with oil becoming trapped under sheets of thick ice. The longer oil remains in the ice, the greater the number of marine mammals and birds will be impacted.

35. An oil spill in the Arctic would potentially result in the extinction of many of the endangered and threatened populations of marine mammals and sea birds in the region. Already struggling with the rapid changes brought by loss of sea ice and other climate-driven impacts, ice-dependent species like polar bears and several seals are already in too precarious a state to be able to withstand the monumental stress that would be caused by a major spill.

36. Seismic surveying activities involve vessel traffic and use of loud air guns that create under-water noise pollution may cause displacement or harm to fish, marine mammals, and birds, including endangered and threatened species. If widespread seismic surveying and expanded industrial presence were to have negative, population-level impacts on wildlife populations in the Arctic that would represent a significant loss for humanity, would greatly diminish my use and enjoyment of the regions, would reduce the resiliency and strength of the Arctic marine ecosystem, and would close off avenues for future scientific research.

37. Oil and gas exploration, development, and production activities may introduce massive industrial operations, including increased infrastructure on- and offshore and vessel and aircraft traffic, in the Arctic Ocean. These activities may also create the risk of oil spills, generate substantial noise in the water, and emit pollutants into the air and allow the release of waste into the water, all of which could harm wildlife species not only at sea but onshore as well.

Industrialization of the Arctic Ocean and the likely occurrence of both small and major oil spills would further degrade an ecosystem already under threat from rapid warming and harm species already stressed by sea ice retreat. Such impacts would represent a significant loss for humanity, would greatly diminish my use and enjoyment of the regions, would reduce the resiliency and strength of the Arctic marine ecosystem, and would close off avenues for future scientific research

38. Oil and gas development will contribute to greenhouse gas emissions, which will in turn lead to increased climate warming and ocean acidification. Climate warming and ocean acidification are already profoundly changing the Arctic marine and onshore environments, and the fish, marine mammals, birds, and other wildlife species that rely upon them. Increased oil and gas production will only serve to accelerate these trends, harming not only the wildlife in the region, but reshaping the landscape itself. Such impacts would represent a significant loss for humanity, would greatly diminish my use and enjoyment of the regions, would reduce the resiliency and strength of the Arctic marine ecosystem, and would close off avenues for future scientific research

I declare under penalty of perjury that the foregoing declaration is true and correct.

Dated: 6 - 5 - 2018

By:   
John Hocevar